

**United States District Court
Middle District of Pennsylvania.**

**235 North Washington Blvd.
Scranton, Pa. 18530**

Petition For Instant Relief, Civil Action Complaint

1-24-cv-1886

Plaintiff

Tod M. Sparks II
Brianna N. Fink
29 Starr Rd
Danbury Ct 06810

V

Defendants

Magistrate 23-3-01
321 N. Furnace
Birdsboro, Pa. 19508
Caernarvon Police Department
3307 Main St
Morgantown, Pa 19543

FILED
SCRANTON
NOV 01 2024
PER SP
DEPUTY CLERK

I Tod Sparks II and Brianna Fink (Pro-Se) present to this Honorable Court a Civil Action Complaint and Petition for Instant Action/ Relief against the defendants listed above and that I pray this court grant Brianna N. Fink instant relief so that she can Have a Fair Preliminary Hearing afforded to her by the laws of the United States and the Pennsylvania Commonwealth State.

Brief

A box (11f) "NO" checked on a Pennsylvania firearms application Sp4113 in **March 2024** at the Morgantown gun show in Morgantown Pennsylvania. Application was denied and a challenge was never filed resulting in Brianna N. Fink summons CR- 172-24 **September 2024** from Caernarvon Township Police Dept Police Officer Chad Eberly Pennsylvania (M3)Pa1 18 § 4904 §§ B

- We have concerns given Brianna's **lack of a criminal record** that this resulted in a M3.
- We have concerns because to the best Brianna's knowledge **she has never had a 302 hearing and therefore does not meet the criteria under Federal section 18 § 922 (g)(4)**
- **To our knowledge No court record or documentation exists for Brianna Fink that a 302 exists**, we checked, clerk of courts, prothonotary, numerous sources and nobody knows where the record of a of an actual **302 hearing** exists for Brianna N. Fink.
- We believe that the MdJ, Caernarvon Police Dept. and DA of Berks County are **prosecuting an innocent woman (Brianna Fink)**
- Summons from MDJ 23-3-01 has not been properly served to or mailed to Brianna N. Fink address in Danbury Ct or Newport Beach California nor was Brianna aware charges were pending against her.
- And now because of lack of due diligence for service of summons, negligence on behalf of the MDJ 23-3-01, Brianna is to appear on a **bench warrant instead of a preliminary hearing**.
- Requiring her to start the preceding on a warrant rather than being afforded an equal opportunity to defend herself or properly prepare for an attorney at a preliminary hearing to prove her innocence.
- **We request the warrant against Brianna Fink be rescinded** and MDJ 23-3-01 be **required** to properly serve the summons to the accused Brianna Fink so that she has adequate time to retain a lawyer, attend a preliminary hearing and for her to bring forth evidence proving her own innocence.

Brianna N. Fink
DOB 9/30/91
33 years old

- Brianna N. Fink resides at 29 Starr Rd Danbury, CT. or at 620 Newport Center Dr. Newport Beach, Ca and can be easily reached at anytime.
- Both addresses are leased by Tod Sparks and are current for the last 10 years.
- Since relocating April -2024 **8 Months ago Brianna** hasn't returned to her previous address 97 Keystone Court Honey Brook, Pa
- Brianna relocated under emergency circumstances, domestic circumstances pertaining to the downhill relationship with Step Father John Benditt and due to Lack of family support
- Brianna Fink has lost both parents within a 4year period with her father passing away in April, 2023 mother passing away in 2021 with whom she had daily interactions with.
- Brianna Fink has contacted Honey Brook PSP with Numerous Complaints against Step Father JohnBenditt these are recorded with the Pennsylvania State Police Honey Brook, Pa.
- **In April 2024** Pennsylvania State Police suggested that Brianna N. Fink leave her former residence in Honey Brook and relocate to Danbury, CT. With her fiancé Tod M. Sparks II
- **In April 2024** Locks on her former residence 97 Keystone Honey Brook have been changed (the neighbor witnessed John Benditt changing the locks)
- Manager of the Keystone Courts Subdivision also confirmed locks have been changed at 97 Keystone Court Honey Brook, Pa.
- Brianna N. Fink can no longer access the premises even if she desired to do so.
- Brianna N. Fink works with Danbury Painting, a company owned by Tod Sparks, performing basic assistance to the tasks he performs on every project
- Brianna's fiancé Tod Sparks is a Laguna Beach Ca Native has offices in Danbury, CT. and Newport Beach is a Ca, C-33. BSIS Guard and was raised in North EasternPennsylvania with family in NEPA.
- Brianna Fink is originally from Phoenixville, Pa. and has relocated to Danbury, CT. and California Newport Beach, Ca with her fiancé in April 2024 and is at LIBERTY to do so.

Brianna N. Fink
Credentials

- Guard Card Holder For the **California Bureau of Security and Investigative Services (BSIS)**
- Under California Law Brianna is trained to investigate and provide security services.
- Completed multiple Courses with multiple testings and has received a certificate of completion in state of California.
- **Authorized to Purchase and Carry Mace as a side arm in State of California.**
- **Authorized to make Specific Arrests and Detain in the state of California**

Complaint

Not properly served, Not Served by Magistrate 23-3-01

- **Magistrates Must Support, obey, and defend the Constitution of the United States and the Constitution of Pennsylvania**
- Magistrate 23-3-01 without proper due process or service of summons and without performing their due diligence in notifying Brianna N. Fink pertaining to charges brought against her (CR- 172-24) proceeded to schedule a preliminary hearing without Brianna being properly served and therefore she was unaware of any charges pending against her.
- Preliminary Hearing was scheduled for 10/16/2024
- Brianna was not in attendance at Preliminary Hearing due to her not being properly served and unaware of charges pending against her.
- As a result, Magistrate 23-3-01 lack of Due diligence in summons services, a warrant has been issued for her arrest.
- We believe that John Benditt intercepted and has been opening Brianna's mail
- Brianna has not had any contact with John Benditt since her relocation in April 2024
- On 10/29/24 Sheriff Deputy Branham phone #610-478-6240 ext. 3248 called Tod Sparks phone number to notify Brianna of a bench warrant. IN WHICH HE SHERIFF BRANHAM STATED TO ME (Tod Sparks) THAT THE LOCATION THE SUMMONS PAPERS WERE ATTEMPTED TO BE SERVED AT (97 Keystone Court Honey Brook Pa) **IS VACANT.**
- The Sheriff Understood that Brianna has not RESIDED in Pennsylvania for 8 months this is why he contacted me on my phone in Connecticut.
- Magistrate 23-3-01 refuses to rescind warrant on Brianna even though papers were not served to her.
- We've could've been contacted at anytime my offices and residence have been located in same place for 10 years.
- MDJ and DA Berks County is prosecuting and innocent woman Brianna N. Fink without proof.
- **Brianna N. Fink does not meet the criteria under Federal section 18§ 922 (g)(4) and therefore does not meet criteria to be charge with**
PA 1 18 § 4904 §§ B This violates her basic Civil Rights, Constitutional Rights and Pennsylvania state rights.

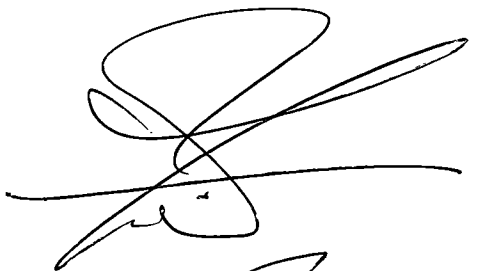
In closing,

I Tod Sparks and Brianna Fink with sound mind and honest judgement ask that this Honorable Court to immediately intervene and order a INSTANT ACTION, a rescission, of the Brianna N. Fink warrant CR-172-24 produced by Magistrate 23-3-01 and that said warrant on Brianna N. Fink be immediately lifted due to the Magistrates failure to properly serve Brianna, knowing that she moved away months ago and for improperly servicing her summons to an individual (step father John Benditt) that she hasn't had contact with for over 8 months, at an address she no longer resides at for over 8 months.

We request that Briannas summons be properly served to her personal residence in Danbury CT or that she be given the opportunity to immediately and freely arrive at the magistrate office to pick up the summons, the police report and all information pertaining to this docket and that a new preliminary hearing be rescheduled ENSURING that Brianna Fink has a Fair and swift preliminary hearing without retaliation for filing this complaint


- .MDJ 23-3-01, Caernarvon Police Dept., DA Berks County is prosecuting an innocent woman Brianna N. Fink without proof.
- **Brianna N. Fink does not meet the criteria under Federal section 18 § 922 (g)(4) and therefore does not meet criteria to be charge with**
PA 1 18 § 4904 §§ B This violates her basic Civil Rights, Constitutional Rights and Pennsylvania state rights.

SHE IS SUING MAGISTRATE 23-3-01 and Caernarvon Police Department for damages emotional distress and violation of her civil rights as a United States citizen in the amount of \$90,000.00



Tod M. Sparks II

203.600.6395



Brianna Fink

Order

I Hereby **GRANT** the Request for **Instant Action/ Instant Relief**

I hereby order Magistrate 23-3-01 is to **IMMEDIATELY RESCIND THE BENCH WARRANT**
related to

Commonwealth vs Brianna N. Fink

CR-172-24

For failure to PROPERLY serve summons (improper service)

That Brianna N. Fink be served the summons properly through mail or that she goes
immediately and freely to the said magistrate mentioned to retrieve all information
pertaining to this docket/ summons CR-172-24

When summons service is proper Magistrate 23-3-01 is to set a new preliminary hearing
date.

Take this signed order immediately to

Magistrate 23-3-01

321 N. Furnace St.

Birdsboro, PA. 19508

Order

I Hereby **GRANT** the Request for **Dismissal of Case Docket: CR-172-24**

Magistrate 23-3-01 is hereby **ORDERED** to
Dismiss and Close the following docket

Commonwealth

vs

Brianna N. Fink

CR-172-24

- **Does not meet the criteria under Federal section 18 § 922 (g)(4) and therefore does not meet criteria to be charged with**
PA 18 § 4904 §§ B

Take this signed order immediately to

Magistrate 23-3-01

321 N. Furnace St.

Birdsboro, PA. 19508
